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Concealed Weapon License Policy

I Purpose and Scope

The Sheriff is given the statutory discretion to issue a license to carry a concealed firearm to residents in the community. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160 this policy shall be made accessible to the public.

I(a) Application for Policy

Nothing in this policy shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

II Qualified Applicants

In order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

- (a) Be a resident of the County of Modoc.
- (b) Be at least 21 years of age.
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a concealed weapon. Fingerprints will be required and a complete criminal background will be conducted.
- (e) Be of good moral character.
- (f) Show good cause for the issuance of the license.
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership and registration of any weapon to be licensed for concealment.
- (i) Provide at least three character references, letters of character may also be requested.
- (j) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon.
- (k) Complete required training.

III Application process

The application process for a license to carry a concealed weapon shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is complete and the license is either issued or denied.

IV Phase One (To Be Completed By All Applicants)

(a) Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under the penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 26180 (a) & (b)).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.
2. If an incomplete CCW application package is received, the Sheriff or authorized designee may do any of the following:
 - A. Require the applicant to complete the package before any further processing.
 - B. Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - C. Issue a denial if the material submitted at the time demonstrates that the applicant would not qualify for a CCW permit even if the packet was completed. (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) **FEES, Non-Refundable**, at the time the completed application is submitted, the applicant shall submit \$140.00 money order, cashier's check, personal check or cash made payable to the Modoc County Sheriff's Office. The Sheriff's Office will forward \$93.00 from those fees directly to the California Department of Justice as required. The balance to be retained by the Modoc Sheriff's Office to cover costs associated with the processing including but not limited to rolling prints, local background check, staff time, permits and logistics.

1. The application fee does not include any additional fees required for training or psychological testing.
2. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or Penal Code § 26170(c).

(c) The applicant shall be required to submit to Live-scan fingerprinting and a complete criminal background check by the Department of Justice. A second set of fingerprints may be required for retention in department files. Fingerprint and photograph fees may be collected in addition to the application fees. Persons determined to fall within a prohibited class determined by Penal Code § 29800, 29815 29900(a) or 29805 or Welfare and Institutions Code § § 8100 or 8103 may not be issued a license for concealment.

(d) The applicant shall submit at least three character references, signed letters of character

reference from those individuals other than relatives may also be required.

- (e) The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment. Once the Sheriff or authorized designee has reviewed the complete application package and all relevant background information, the application will either be advanced to phase two or may be denied.

In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice whichever is later. (California Penal Code Sec 26205)

V Phase Two

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant may be scheduled for a personal interview with the Sheriff or authorized designee. During this stage, there will be further discussion on the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 - 1. The determination of good cause should consider the totality of circumstances in each individual case.
 - 2. Any denial for lack of good cause should be rational, articulate and not arbitrary in nature.
 - 3.
- (b) The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealment weapon. All costs associated with this requirement shall be paid by the applicant. Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.
- (c) The Sheriff may require that the applicant be referred to an authorized psychologist used by the department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that may render him/her unfit to carry a concealed weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.
- (d) The applicant shall submit any weapon to be considered for a license to the Sheriff or other departmentally authorized personnel for a safety inspection. The Sheriff reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.

The HANDGUN(S) that you want listed on your license, Shall be presented to the Sheriff's Office... 1. In a locked box 2. Unloaded 3. Magazine(s) out

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a concealed weapon will either be granted or denied.

Whether an application is approved or denied at the conclusion of phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (Penal Code § 26205).

Upon being advised that he or she has successfully passed all phases of the application the applicant shall complete a minimum 8-hour hands on, instructional training course approved by this agency for his/her initial CCW permit. The course shall include firearms safety and the laws regarding the permissible use of a firearm. This course SHOULD be undertaken AFTER the applicant has successfully passed all phases and has obtained approval to proceed with the process, as this would save the applicant a financial expenditure in the event the applicant does not pass the application process. If an applicant wishes to complete the course prior to receiving their final approval, they may do so, but neither the Sheriff's Office or the course instructor shall be liable for the cost of the instructional course if the applicant fails the application process.

The applicant shall successfully complete a firearms safety and proficiency examination course provided by a Modoc County Sheriff's Office authorized instructor, with the weapon to be licensed or with similar type firearm, including completion of all releases and all other forms. (A list is available at the Sheriff's Office of MCSO approved vendors for the course.) Applicants who successfully complete an authorized CCW instructional course and possess a signed certificate of completion shall submit that certificate to the Sheriff's Office before a CCW permit will be issued. It is the applicants responsibility to ensure that the certificate of instruction is dated and issued within twelve (12) months of the applicants request for a CCW permit. Any certificate issued by an approved instructor that is over the twelve (12) months grace period will not be accepted and the applicant will be required to obtain a certificate of training that meets the above time line.

VI Issued Concealed Weapons Permits

In the event a license to carry a concealed weapon is issued by the Sheriff, the following shall apply:

(a) The license will not be valid outside the state of California. (b) The Sheriff and license will be subject to any and all reasonable restrictions or conditions the has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the concealed firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license issued pursuant to Penal Code § 26200(b).

(c) Terms/Restrictions:

1. The Sheriff of Modoc County grants licenses to carry weapons concealed in the State of California. There are exceptions to where weapons can be carried, such as city, county, and federal buildings that are posted "NO FIREARMS".
2. The Sheriff of Modoc County can, at any time, revoke a C.C.W. permit/license. Should that occur and a peace officer asks an individual for their permit/license, it is to be

surrendered without hesitation. The same would hold true in a situation where any peace officer requests that a permit/license be surrendered to him/her. Recourse, through an appeal process with the Modoc County Sheriff's Office, is with the Sheriff, not with the officer requesting the surrender of a permit/license.

3. A C.C.W. permit/license is automatically void when the permit/license holder is under the influence of any alcoholic beverage or controlled substance, including any prescription drugs that would inhibit the ability to act in a responsible and reasonable manner.

4. Should a C.C.W. permit/license holder become involved in a circumstance involving the use of a firearm, the permit/license holder assumes all civil and criminal liability. The Sheriff has no responsibility regarding when, where, or how the weapon is used. The permit/license is valid in the State of California only where applicable.

5. The Sheriff's Office requires that a weapon be carried as inconspicuously as possible. This is to keep from drawing attention to it. If an individual is stopped by a peace officer when carrying a weapon in the glove compartment of a vehicle, the officer must be informed of this fact prior to opening the glove compartment. Common sense should be used when considering where and when to take a weapon.

6. The Sheriff of Modoc County has no responsibility in a permit/license holder's ability to use the weapon. It is the permit/license holder's obligation to learn the operation and capabilities of the weapon.

7. A C.C.W. permit/license must be renewed every two (2) years to be valid, on or before the expiration date indicated on the permit/license. The Sheriff's Office does not send renewal notices. It is the responsibility of the permit/license holder to renew on time every twenty-four (24) months. Presently, permits/licenses are renewed at the Sheriff's Office. At the time of renewal, permit holder must present a valid certificate, as proof of a renewal class attendance (required), the permit/license must be signed, dated, and have the permit/license holder's thumb print on all three (3) copies. Renewal cannot be done by mail.

8. The State of California Department of Justice allows three (3) weapons on a C.C.W. permit/license. To have a weapon added to a permit/license, the ~~unloaded~~ weapon should be taken to the Sheriff's Office. To have a weapon removed, the Clerk must be advised, in person, which weapon is to be deleted. Remember you must have qualified with the weapon or a similar weapon during your training in order to place it on your permit.

1.

9. There is a \$10.00 charge for adding a weapon(s). The maximum number of handguns on a permit/license is three (3); the minimum is one (1).

10. Should a weapon be lost or stolen, it should be reported immediately to the law enforcement agency where the weapon was lost or stolen and to the Modoc County Sheriff's Office. If it was the only weapon on the permit/license, the permit/license will be void until such time as a replacement weapon is added to the permit/license. The Sheriff's Office should be notified of the sale of any of the weapons on a permit/license. These weapons are listed in the computer banks at the Department of Justice and a peace officer could contact the permit/license holder if the weapon were to be used illegally and come back registered to them.

11. Any person who willfully and maliciously discharges a firearm at an inhabited dwelling, house, motor vehicle, or camper shall be charged with a felony. *(Penal Code 247)*
12. Except in the case of self-defense, any person who draws or exhibits a loaded or unloaded firearm or any other deadly weapon whatsoever in the presence of another person, in a rude, angry, or threatening manner, or who in any manner unlawfully uses the same in any fight or quarrel, may be charged with a misdemeanor or felony. *(Penal Code 417 and 245)*
13. Nothing will prevent any person engaged in any lawful business from having a loaded firearm within such place of business. Nothing will prevent any person from having a loaded weapon, if it is otherwise lawful, at his residence or private property, including any temporary residence or campsite. *(Penal Code 25605)*
14. A C.C.W. permit/license does not give unrestricted rights to carry a weapon(s). "A license may include reasonable restrictions or conditions which the issuing authority (Sheriff of Modoc County) deems warranted." This may include restrictions as to the time, place, or circumstances under which a firearm may be carried. When a permit/license is issued, it is incumbent upon the permit/license holder to become familiar with the restrictions of having a C.C.W. permit.
15. A C.C.W. permit/license does not authorize an individual to carry a firearm or any dangerous weapon aboard a commercial airline. Firearms or dangerous weapons must be declared before entering the boarding area of an air terminal where the security checks are performed. In transporting a firearm in baggage checked aboard a commercial passenger aircraft, the following will apply:
 - A. The airline must be notified prior to checking the baggage.
 - B. The weapon must be unloaded.
 - C. The baggage should be locked and the permit/license holder should be the only person with a key.

CHECK with your airline prior to traveling for any changes or additions, as a Violation of these conditions could result in arrest either by federal, state, or local authorities.

17. Any person currently on probation may not apply for a C.C.W. permit/license. Any person who has been convicted of a misdemeanor violation for the following offenses is prohibited from owning, possessing, or having any firearm under his/her custody or control and is prohibited from applying for or having a C.C.W. permit/license within ten (10) years of the conviction. *Penal Code Sections: 136.5, 140, 171c, 171d, 240, 242, 243, 244.5(b), 245.5, 246.3, 247, 417(a)(1), 417.2, 626.9, 273.5, 273.6, 646.9, 26100, 30315.*
18. Any person who carries a loaded or unloaded weapon concealed on his/her person, or concealed in a vehicle under his/her control, without a license, shall be charged with a misdemeanor. If previously convicted of any felony, or of any crime made punishable by this chapter, the person shall be charged with a felony.
19. It is unlawful, under any circumstances, to shoot any firearm from or upon a public road or highway. *(Penal Code 3741)*
20. **Note:** Concealed weapon permit applications and licenses are public records pursuant

to case law decision (CBS vs Block)

NOTICE TO C.C.W. PERMIT APPLICANTS

On October 9, 1986, the California Supreme Court issued its opinion in a Civil Action: CBS, INC. vs SHERMAN BLOCK (9186) 42 ca.3d 646. CBS sued the Los Angeles County Sheriff under the Public Records Act for information which appears on C.C.W. License applications and licenses on file.

The court issued a broad opinion holding that information on both the application and in the license itself is open to public inspection under the Public Records Act (Government Code, Section 6250 et. seq.). The opinion discussed disclosing both the identity of the license holder and the reason the license was issued. Other information from the license/permit will be released unless the release of such information would endanger the licensee.

This notice is to advise you that in the event such a request is made to the Modoc County Sheriff's Office, we will release such information as required by the Supreme Court decision. Information contained in your C.C.W. file will remain on file with us for a two (2) year period after the date of expiration and will remain Public Record for that time.

Should this Office receive a request for information relating to your C.C.W. Permit Application, we will advise you in writing. At that time, it will become your responsibility, should you object to the information being released, to obtain an injunction in court to stop the release mandated by law, and if an extension is applicable, another ten (10) days may be allotted, however, the requester must be advised of the extension.

It will be your responsibility to notify this Office of your intent to file an injunction with the court. Please file this letter with your important documents and refer to it should it be necessary for this Office to notify you of such a request.

- (d) The initial license will be valid for a period not to exceed two years from the date of issuance. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b) or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (e) The licensee shall notify the department in writing within ten days of any change of the place of residency. If the licensee moves out of the county of issuance but remains in the State, the license shall expire ninety (90) days after the licensee has moved.

VII Special License Restrictions

(a) The Sheriff may place special restrictions limiting time, place and circumstances under which any license shall be valid. These restrictions would be in addition to the below general restrictions/prohibitions:

1. Not consuming any alcoholic beverage while armed.
2. Falsely representing him or herself as a peace officer.
3. Unjustified or unreasonable displaying of a weapon
4. Committing any crime.
5. Being under the influence of any medication or drug while armed.
6. Interfering with any law enforcement officer's duties.
7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer.
- 8.

(b) The Sheriff reserves the right to inspect any license and or licensed weapon at any time. The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serves as grounds for revocation.

VIII Amendments To Licenses

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to accomplish one or more of the following:

- (a) Add or delete authority to carry a firearm listed on the license
- (b) Change restrictions or conditions previously placed on the license
- (c) Change the address or other personal information of the licensee

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment(s). An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

IX Revocation of Licenses

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any reason, for violation of any or the general restrictions/prohibitions or for and or the following reasons:

- (a) If the licensee has violated any of the special restrictions or conditions placed upon the license.
- (b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon.
- (c) If the licensee is determined to be within a prohibited class in Penal Code §§ 29800, 29815, 29900(a) and 29805 or Welfare and Institutions Code §§ 8100 or 8103
- (d) If the licensee engages in any conduct which involves a lack of good moral character

- or might otherwise remove the good cause for the original issuance of the license.
- (e) If the licensee establishes residency outside the County of Modoc. The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment and revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If the license is revoked, the department will immediately notify the licensee and the California Department of Justice pursuant to Penal Code § 26225(b).

X License Renewal

No earlier than 90 days prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Sheriff for a renewal by completing the following:

- (a) Completion of CCW Renewal application, verifying all the information submitted in the original application and renewal update under penalty of perjury.
1. The applicant is required to complete a MCSO CONCEALED WEAPON LICENSE RENEWAL (Up date information) FORM, which can be located in the CCW forms file.

Renewal form Special instructions for MCSO issuing staff member:

If any of the questions at the bottom of the renewal form are checked YES.

The issuing staff member SHALL check the Forward to Sheriff box, fill in their signature, title and date boxes. The applicants entire CCW package will then need to be forwarded to the Sheriff or his designee for approval and/or further instructions. If the applicant signs the form checking NO in all boxes, thereby indicating no changes to their status, the attending MCSO staff member can check the Approved box, sign the renewal form and issue the renewed CCW directly to the applicant at that time.

The applicant receives the white copy. The yellow copy is to be mailed to the California Department of Justice with a money order or cashiers check made out to the California Department of Justice.

- (b) Certified proof of completion of an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearms.
- (c) Submitting any weapon to be considered for a license renewal/change to the department for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to the license renewal.
- (d) **FEES**, Non-refundable and due at the time the completed renewal application is submitted. The applicant shall submit a \$52.00 cashiers check or money order made payable to the California Department of Justice for the required renewal application fee, along with a separate cashiers check, personal check, cash or money order made out to the Modoc County Sheriff's Office for \$15.00 a fee to cover the costs associated with processing. The **DOJ money order or cashiers check** for \$52.00 is to be mailed to the California Department of Justice with the yellow copy of the CCW.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a concealed, weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing

within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the DOJ, whichever is later (Penal Code § 26205).

XI Department Reporting and Records

Pursuant to Penal Code § 26225(a), the Sheriff shall maintain a record of the following and immediately provide copies to the Department of Justice:

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license

The Sheriff shall annually submit to the Attorney General the total number of licenses to carry concealed weapons issued to reserve peace officers and judges.

XII Confidential Records

The home addresses and telephone numbers of any peace officer, magistrate, commissioner or judge contained in any application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in any application or license which tends to indicate when and where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record. (Government Code § 6254(u)(1)).

XIII Retired Officer CCW Endorsements

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation and denial of a carry concealed weapons (CCW) endorsement for retired officers of this department.

XIV Qualified Retirees

Any full-time sworn officer of this department who was authorized to and did, carry a firearm during the course and scope of their employment shall be issued an identification card with a "CCW approved" endorsement upon honorable retirement. (Penal Code § 26300(a),(b) and (c).

- (a) For the purpose of this policy, "honorably retired" includes all peace officers who have qualified for, and accepted, a service retirement, but shall not include any officer who retired in lieu of termination.
- (b) No "CCW Approved" endorsement shall be issued to an officer retiring because of psychological disability. (Penal Code § 26305 (a).

XV Maintaining a CCW Endorsement

In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall have the responsibility to remain in compliance with Penal Code § 26300:

- (a) Qualify annually with the authorized firearm course approved by this department at the

retired officer's expense.

(b) Remain subject to all department rules and policies as well as all federal, state and local laws.

(c) Only be authorized to carry a concealed firearm inspected and approved by the department.

XVI Carrying a Firearm Out of State

Subject to 18 United States Code 926C and Policy Manual § 312.11, qualified retired officers of this department may be authorized to carry a concealed weapon in other states.

XVII Identification Card Format

The identification card issued to any qualified and honorably retired officer shall be two inches by three inches and minimally contain the following (Penal Code § 25460 (c)).

- (a) Photograph of the retiree
- (b) Retiree's name and date of birth
- (c) Date of retirement
- (d) Name and address of this department
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year). In the case in which the CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".

XVIII Denial or Revocation of CCW Endorsement

The CCW Endorsement for any officer retired from this department may be denied or revoked only upon showing good cause. Good cause, if challenged, shall be determined in the following manner:

(a) In the event that the CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received (Penal Code § 26315).

(b) Prior to revocation of any CCW endorsement, the department shall provide the affected retiree with written notice of hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315(b)(c)).

1. The retiree shall have 15 days from the department's verification of service to file a written request for a hearing.
2. The hearing shall be held no later than 120 days after the request by the retired officer for a hearing is received.
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) The hearing for the denial or revocation of any CCW endorsement shall be composed of three members, one selected by the department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the department and the retiree.
- 2.
3. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The department will then reissue a new identification card which shall be stamped "No CCW Privilege".

License to Carry a Firearm

218.1 PURPOSE AND SCOPE

The Sheriff is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

218.2 POLICY

The Modoc County Sheriff's Office will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

218.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

- (a) Be a resident of the County of Modoc (Penal Code § 26150; Penal Code § 26155).
- (b) Be at least 21 years of age (Penal Code § 26160).
- (c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.
- (e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).
- (f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (h) Provide proof of ownership or registration of any firearm to be licensed.
- (i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (j) Complete required training (Penal Code § 26165).

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License to Carry a Firearm

218.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

218.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 - 1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at no cost to the applicant.
 - 2. If an incomplete application package is received, the Sheriff or authorized designee may do any of the following:
 - (a) Require the applicant to complete the package before any further processing.
 - (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the County of Modoc for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26180).
 - (a) Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
 - (b) Full payment of the remainder of the application fee will be required upon issuance of a license.
 - (c) Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).
- (c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and

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License to Carry a Firearm

Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

- (d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Sheriff or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

218.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Sheriff or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
 - 1. The determination of good cause should consider the totality of circumstances in each individual case.
 - 2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
 - 3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
- (b) The Sheriff may, based upon criteria established by the Sheriff, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).
- (c) The applicant shall complete a course of training approved by the agency, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

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- (d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other departmentally authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Sheriff or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

218.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the County of Modoc (Penal Code § 26150).
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- (d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

218.6 ISSUED FIREARMS PERMITS

In the event a license to carry a firearm is issued by the Sheriff, the following shall apply:

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- (a) The license will be subject to any and all reasonable restrictions or conditions the Sheriff has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
 - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
 - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (b) The license shall contain the expiration date, type of firearm, restrictions and other pertinent information clearly visible.
 - 1. Each license shall be numbered and clearly identify the licensee.
 - 2. All licenses shall be subjected to inspection by the Sheriff or any law enforcement officer.
- (c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 - 1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
 - 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- (d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- (e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

218.6.1 LICENSE RESTRICTIONS

- (a) The Sheriff may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:
 - 1. Consuming any alcoholic beverage while armed.
 - 2. Falsely representing him/herself as a peace officer.
 - 3. Unjustified or unreasonable displaying of a firearm.
 - 4. Committing any crime.

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- 5. Being under the influence of any medication or drug that psychologically or physiologically effect the applicant while armed.
 - 6. Interfering with any law enforcement officer's duties.
 - 7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
 - 8. Loading the permitted firearm with illegal ammunition.
- (b) The Sheriff reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

218.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

- (a) Add or delete authority to carry a firearm listed on the license.
- (b) Change restrictions or conditions previously placed on the license.
- (c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Sheriff, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

218.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Sheriff for any of the following reasons:

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.
- (e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

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The issuance of a license by the Sheriff shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Sheriff as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

218.6.4 LICENSE RENEWAL

No later than 180 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Sheriff for a renewal by:

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
- (c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Sheriff reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- (d) Paying a non-refundable renewal application fee.

Once the Sheriff or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

218.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Sheriff shall maintain a record of the following and immediately provide copies of each to the California DOJ:

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license
- (e) The revocation of a license

The Sheriff shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

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218.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, commissioner or judge contained in an application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

218.9 SECTION TITLE

218.10 SECTION TITLE